



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P. (MD) No. 7426 of 2017

and

Cr1.M.P. (MD) Nos. 5070 and 5071 of 2017

A.V.K. Adaikalarajan

: Petitioner

-Vs-

1.S.Vijayakumar

2.Athiparasakthi

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in S.T.C.No.17 of 2017 on the file of the learned Judicial Magistrate, Theni, Theni District and quash the same as illegal.

For Petitioner : Mr.R.Babu Jaganath

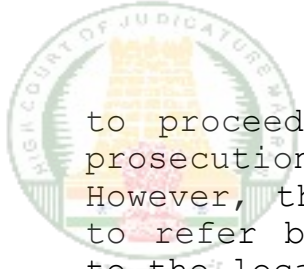
O R D E R

Vijayakumar is a defence personnel. Adaikalarajan, the accused herein, obtained loan of Rs.3,50,000/- from Vijayakumar and in discharge of the said liability, Adaikalarajan issued three cheques for Rs.1,50,000/-, Rs.1,50,000/- and Rs.50,000/-, which, when presented by Athiparasakthi, wife of Vijayakumar, were dishonoured. After issuing statutory notice under Section 138 of the Negotiable Instruments Act, Vijayakumar has filed the present prosecution in S.T.C.No.17 of 2017 before the learned Judicial Magistrate, Theni, against Adaikalarajan, challenging which, Adaikalarajan is before this Court.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the matter is likely to be settled, if the parties are referred to mediation.

4. It is seen that Vijayakumar, being a Army personnel, has applied for service in the Army. His wife Athiparasakthi as power agent and has filed the present complaint before the learned Judicial Magistrate, Theni. *Prima facie*, there are materials against Adaikalarajan for the trial



to proceed and, therefore, this is not a fit case to quash the prosecution. Hence, this Criminal Original Petition is dismissed. However, this Court directs the learned Judicial Magistrate, Theni, to refer both the parties, namely Athiparasakthi and Adaikalarajan to the local Mediation Centre, for arriving at a settlement.

5. Adaikalarajan is directed to appear before the learned Judicial Magistrate, Theni, within two weeks from the date of receipt of a copy of this order and furnish a bond under Section 88 of the Code of Criminal Procedure for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the learned Judicial Magistrate, Theni. Pending disposal of the mediation proceedings, his presence before the Trial Court is dispensed with. The mediation proceedings shall be completed, within two months from the date of reference by the learned Judicial Magistrate, Theni. If the mediation proceedings fail, the Trial Court shall proceed with the trial against Adaikalarajan and his presence before the Trial Court will not be dispensed with during trial. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

To
The Judicial Magistrate,
Theni, Theni District.

+1cc to Mr.R.Babu Jaganath Advocate in SR. No.61352
SML
JS/GT/SAR.3/27.06.2017/2P-3C

Order made in
CRL.O.P. (MD) No.7426 of 2017
Dated: 19.06.2017